P. F 75 of 94

G. R. S. IX-5]

Previous references.

1894-95

192 .

(L. R)

File No. 130 of 94

Serial Nos. 1—9

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos.

Major ~~Part~~ B for June 1895

SUBJECT.

Appeal of Giri Gouda of Belgantha Hassan Taluk regarding the sale of Canes.

WD 2233—GPB—20,000—14-6-20

Sealed

3

Gyne considered
~~Non est non debet~~
that the re-sale of No 57
was not called for
since there appears to
have been no irregularity
in the sale conducted in
February 1894. The Dy
Comr thought that the
sale in February was not
closed, but there is nothing
to show that it was not.
The Harappatta shows
that the word "three"
was pronounced on
the last bid by Petitioner,
but only contains a
remark that Appl
Gyne da refused to sign
the Harappatta & asked
that he would raise the
bid in the Cutcherry.—
As however the sale has
been cancelled by the

Strictly speaking

by the Collector

before confirmation

Dy Cons ~~1~~ & another sale held in July 1894, at which Petitioner was present. Petr did not think it necessary to cancel the last sale. Petitioner owned land & he wanted to get the land. The appeal is dismissed. The sale of No 55 without a proclamation was irregular, but nothing need be done about it as there is no appeal. The Dy Cons should see that such irregularities do not occur.

Hd
15/2/95

All 18/2/95

Petr did not choose to bid for the land

Petr declared the sale in accordance with the decision of the Dy Cons. Petitioner was present at the first sale & he owned the land. Hd

All

Redrafted 21/2/95

Petitioner

1

(5)

M no 26 of 1894-95

Appt
Geddes Gunda
of Walagunda
Hassan Taluq

On the Dasakat of one Ranganna

	a.	c.	
55	3.39	15	Survey nos 55 & 57 in Walagunda
57	3.38	16	by the Sheristadar

were sold in a Public auction on the 23d hour 1893 at which no 57 was purchased by M for Rs 3-12-0 & no 55 by one Appegowda for Rs 3-8-0 — the respondent & Lingu Amildar who re-sold as Juresmen C.S. & they were accordingly sold on 8th July 1894 when M purchased no 57 for Rs 30 & no 55 was purchased by one Gurugowda for Rs 35. M the complt & Appegowda the purchaser of no 55 in the first sale, the Amildar & Sheristadar the Bailiff on the 2nd March 1894 Amildar sold no 55 in the presence of the Pt, Appegowda, Gurugowda, & Ranganna with a previous Proclamation when the Pt was present was purchased by Gurugowda for Rs 81. Action on the complaint of Appegowda,

Realized

finding

H. Dr Cox, Assessor, that

the sale which took place

in July 1894 was not

closed, classed no 57 also

A. Lucas-Scott, & it was

accordingly added after the

issue of a Proclamation

on 19th June 1894, when

Appleyards purchased it

for No 162 — The

sale was confirmed by H Dyson

Petitioner appeals against

the confirmation of the sale

of No 57 and

and No 53 sale of no 53 was

1 no 22 sales — There is

no complaint in regard

to no 53 —

Sir H Harvey Potter

of the sale which took place

in July 1894, there is a

remark that Appleyards refused to sign H Potter, saying that

proceed to raise the

bid before the Auctioneer's Catalogue

refused to sign H Potter

Beyond this, there is nothing

to show that the sale was

not closed Considering

5

Precis

A.S No 26 of 1894

Appellant: Gidde Gowda of Bilaqunda in Hassan Taluk

This is an appeal against the order dated 1.7.94 passed by the Deputy Commissioner of Hassan confirming the sale of Survey No 57 in Bilaqunda to Ajje Gowda for Rs 162 and rejecting Gidde Gowda's claims to the said land.

The following are the facts of the case.

On 16.9.93 one Koppada Ramgauda of Hassan applied to the Amildar of Hassan for lands Survey Nos 55 & 57 situated in Bilaqunda in Kasba Hobli.

	Extent	assent
No 55	3-39 gs	Rs 150-0-0
No 57	3-38 gs	Rs 6-0-0

These two numbers had been included in list B.

vide Amildar's order of 6-10-93

On 6.10.93 the Amildar issued an Ittihar proclaiming that the above numbers would be sold by auction on 23d november 1893, and directed the Shekdar to sell them accordingly.

The sale took place on the 23d november 1893. Gidde gowda appellant was the highest bidder for S. No 57. It was knocked down to him for Rs 3.12-0. The other land survey No 55 was knocked down to Appé gowda the highest bidder for Rs 3.8.0. Kotyappa Rangappa was present at the time of sale.

On the following day the Shekdar reported to the Amildar that the lands had been duly sold as directed.

On 28.12.93 the Amildar observing that the lands had been sold for a very low price as compared

with the amount realized from the sale of a similar land in the same locality, directed the Shekdar to re-sell the lands after ascertaining their Estimated value. On the same date he issued an Ikrar proclaiming that the lands above referred to would be re-sold by the Shekdar on the 8th February 1894.

On 8.2.94 some ryots of Bilagunda executed a Muchalga stating that the above lands were not at all valuable, that those two numbers ~~would not be worth~~ were not worth more than Rs 5 each. ~~And that appellant yielded Gowda and Appa Gowda more not on good terms with each other.~~

The sale was held

appeared accordingly before the Amildar. The Amildar in their presence and on the same day ie 20-3-94 sold the land no 55. It was knocked down for Rs 81 to Soore Gowda the highest bidder.

On 21-3-94 the Gowda presented a petition to the Amildar that at the sale held on the previous occasion he had ~~offered to bid~~ said that he would bid for both the lands (nos 55 & 57) in the kutcherry, that nevertheless only one land no 55 had been sold on the previous day, that ~~his first bid for no 55~~ ~~would be~~ S. no 57 should be sold again and that Rs 50, which he was already ~~had~~ prepared to pay for it, might be treated as the lowest bid and the sale proceeded with.

He presented a similar petition to the Deputy Commissioner 22-3-94.

between Appe Gowda
& Soore Gowda, that
when Appe Gowda was
asked to bid higher
he replied he would
not do it there but would
~~bid here thereafter~~ go to the
Kutchery and bid there
and that ~~Appe Gowda~~
had also refused to sign the
Karapatte.

On 10-2-94 Giddamma
wife of Appe Gowda
complained to the Amildar
that his husband had
first purchased S.No.53
that without his knowledge
it had been sold again
by the Shekdar, and that
a fresh sale of it should
be ordered

On 28-2-94 the
Amildar directed the
Shekdar ~~to~~ to produce
before him on 20-3-94
Kirkhastdar Rungama
Gidde Gowda, Appe
Gowda and Patel Soore
Gowda.

On 20-3-94 Appe
Gowda, Soore Gowda
Gidde Gowda, ~~and~~ K. Rungam

On 8.2.94 when
Survey No 57 was Knocked
down to Giddo Gowda
for Rs 30 and the
other No 55 to Soore
Gowda for Rs 5.

There is a "Shara"
in the Handipatti, stating
that Ajje Gowda refused at the time of sale
to bid for the Lands saying
that he would
go to the Kutcherry and
there bid for them and
that he went away
without even signing
the Handipatti.

On 12.2.94 the
Shekdar reported to
the Amildar that
owing to a private
misunderstanding
between Giddo Gowda
and Soore Gowda who
bid for S. No 57 the
price of it had risen to
Rs 30, that the other
No 55 was Knocked
down for Rs 5, that at
the close of the Sale a
serious quarrel arose

On 19-6-94 land No 57 was sold in the presence of Govde Gowda, Appe Gowda, Rangappa, Soore Gowda & others.

The land was knock-ed down for Rs 162. to Appe Gowda the highest bidder.

On 30-6-94 the Amildar reports to the Dy Commr that the full amount of purchase money for S-No 57 had been recovered from the purchaser and that as the balance of purchase money for S-No 55 had not been paid up within the prescribed period he had ordered a fresh sale of ~~it~~ that land No 55

On 10-7-94 the Deputy Commr ordered that if the balance of purchase money for No 57 had been paid up the sale ~~of~~ it was confirmed.

The full amount of purchase money was found to have

been paid up within the prescribed time and the Sagavali chit was issued to the purchaser.

vide Amildar's note of 16-7-94

In the meantime ~~On 18-5-94~~ Gidda Gowda appellant had presented a petition to the Dy Comm: that he was the purchaser of S. No. 57, that on the strength of the Amildar's verbal orders to him that the ~~sale would~~ sale would be confirmed in his favor he had spent money and improved the land, and that the land should not be resold.

× 18-5-94

The Deputy Comm: called for a report from the Amildar.

18-5-94

on 19-6-94 the Shekdar reports to the Amildar that no money has been spent by Gidda Gowda for the improvement of S. No. 57.

The Deputy Comm: finally ordered on 11-7-94 that the the 3d Sale of S. No. 57 to Appe Gowda for Rs 162 was regular, that the

22.3.94

~~Kad~~ Koppada Ramgauda
above named also
presents a petition to
the Deputy Commissioner
that S. No 57 should be
sold again, that the
Amildar was wrong
in having sold only
one ~~number~~ land No 55
instead of selling both
the Nos 55 & 57, & that
he was the applicant
for both the numbers
~~and that subsequently~~
~~Sale should take place~~
~~after 28th February~~
~~he was ignorant of it~~.

On 25-3-94 the
Amildar reported to
the Deputy Commissioner
that Mr Gowda and
Ramgauda had complained
to him that Survey No
57 should be resold and
that in reply he had
given them an Endorse-
ment stating that
No 57 has been regularly

Sold, that the full amount of purchase money had been received that the period of one month had also expired, ~~that~~ that during that period there was no complaint and that there was therefore no ground for recalling the land.

On 16.4.94 the Deputy Commissioner observing that from the "Shara" in the "Haraj patti" it was not clear that the sale of ~~both~~ the two numbers had been duly closed, directed the Amildar to cause the sum of Rs 50 offered by the Gowda for No 57 produced as deposit and to regularly sell the land afterwards.

The Amildar issued an Athikar on 28.4.94 that Survey No 57 would be Sold on the 19th June 1894 in accordance with the above order of the Deputy Commissioner

(General Serial No. 32.)

1894. No. 883

No. Camp Register 93 (2)

Name of Petitioner. Giri Gowda

Village. Balagunthe

Taluk. Hassan

District. Hassan

Date of Arzi. 5.9.94

Date of Receipt. 19.9.94

Date of Disposal.

No. of Enclosures. — One —

ABSTRACT.

Appealing against the order of the Deputy Commr regarding the confirmation of the 3rd sale of land bearing Sur: No: 37 in Belagunthe village, Hassan Taluk, although petitioner was the first Darkhastdar for the said land and had purchased the same in the first sales

Council Case

In time

Stamp Sufficient

The Dy Commr in his order
er that the second sale was
nulled as there was irregularity
conducting it that the 3d sale
which the Appellant was the
chaser was confirmed and was
conducted, and that Petr
urged that he had incurred
Expense & improve the land
it not to have ordered upon perusing
e petition a Separate list

The Petr urged :—
that the land was included in
A list & Nd not have been ordered
be sold,
that if the 2d sale was irregular
1st sale (at which the Petr the
purchaser) was not.
that annulment of the sale long
after it was held, upon a complaint
referred by an enemy was irregular,
that his enemy outbid him because
had improved the land
that Rules permit a Darkhastdar
tering upon possession if Separate
list is delayed beyond a reasonable
ime

Subd to the Council for orders

Rejected
26/10/94

3d sale had been ordered because there was irregularity in the 2d sale, that the 3d sale was therefore confirmed and that Eidde Eyoda appellant was wrong in having entered on the land previous to the grant of Sequeali Chil-.

Eidde Eyoda now appeals to Govt against the above order of the Deputy Commr:
He says:-
(1) That the land was included in A list and should not have been ordered to be sold.

(2) That if the second sale was irregular the 1st sale (at which too he was the purchaser) was not.

(3) that annulment of the sale long after it was held was irregular.

(4) that Rules permit a darkhast for

19

Gen. Serial No. 31.]

8 s-81

4 JAN. 95

1894/94 Pet: 388

From The Commissioner
Nanjanagud

To The Secretary to the
Dewan of Mysore.

Dated 29th
Despatched 30th } December 1894
Received

Enclosures—No. 1 & 1 file of V.P.

General No. 475
No. 5 seq of 1894.

Official Memorandum No. 575 dated 20th October last, forwarding petition received at the Dewan's Office from Gyode Gowda of Belaguttha (and two Gyri Gowdas as were ordered in the case) complaining against the order No. 296 from the Deputy Commissioner, Nanjanagud, cancelling the sale to him of Survey No

1/11/95

L.R. 130-94-3

Vide Govt Order 15/1/95

Recd. 8/12/1895.
Recd. Mr K. Sastriar 15/1
Smitten with Rein 5-1-95

(4)

No 57 (and not 37 as was entered in the Index
in the above Village 95 & confirming the 3d Le
in favour of one Tipe Gouda, for Selec
of the Entire Proceedings relating to the est

As the Reason to Subscribe himself
entire Proceedings connected with the
The Petition with its Enclosure is also retu
as directed.

I am Sir
Your Most Obedient
Humble Servt

16

Enter upon possession
if Squatter-Chief is
delayed beyond a
reasonable time

Wells

5

Before the Government of *His Highness* the Maharaja of Mysore.

(7)

Appeal No. 26 of 1894-95

Appellant.

Gidde Gowda
of Bilagunda
Hassan
Taluk

Vs.

Respondent.

L.R. 130-94-4

Decision.

	acres.	cents.
55.	3·39	15
57.	3·38	16.

On the Darkast of one Rungauna, Survey Numbers 55 and 57 in Bilagunda were sold by the Shekdar in a public auction on 23d November 1893 at which no. 57 was purch by Pethanna for Rs 3·12 and no. 55 by one Appa Gowda for Rs 3-8-" ". Amildar did not confirm the sale but ordered the lands to be resold as the prices realized were low, and they were accordingly put up again on 8th February 1894 when no. 57 was purchased by Peter

one

for Rs 30/- and no. 53 by one Sinne Gowda for Rs 5. On the complaint of Ajje Gowda the purchase of no. 55 in the first sale, the Amildar sold the land for the third time in March 1894 in the presence of Ajje Gowda, Sinne Gowda and Ranganna without a previous proclamation when it was purchased by Sinne Gowda for Rs 81. Subsequently on the complaint of Ajje Gowda the Dy. Commr. finding that the sale which took place in February 1894 was not closed directed no. 57 also be sold and it was accordingly sold after the issuing of a Proclamation on 19th June 1894 when Ajje Gowda purchased it for Rs 162. This sale and that of no. 53 were confirmed by the Dy. Commr.

Petitioner appeals against the confirmation of the 3rd sale with regard to land no. 55 on the ground that he had purchased

Lit 575-i 81

1-11-94.

18

MYSORE DEWAN'S OFFICE.

PÉTITION DEPARTMENT.

(3)

OFFICIAL MEMORANDUM

L.R. 130 94

The accompanying Petition No. 887

dated 5-7-94 received at the Dewan's Office from Guru Jois of Belagumba, Hassan Taluk appealing against the order passed on 26 from the Court of Sessions of Hassan in Criminal Appeal No. 2 of 1893 at the same sitting, confirming the sentence passed by the Sessions Judge of Hassan in Sessions Case No. 8 of 1893

is forwarded, together with its enclosures, to the Deputy Commissioner of Hassan for such proceedings as may be necessary in the case.

2 The Petition and enclosures should be returned.

By Order,

Asst. Secy. 24/10/94

BANGALORE, T.A.
1-11-1894

for Chief Secretary.

23/10

M.G.C.P, Bangalore.—3-5-94.—1,000.

42

COMMISSIONER DEVELOPMENT OFFICE.
PETITION DEPARTMENT.
CAMP
REG. D. No.
DATE

25

purchased it at the 1st and 2nd sale. There is no complaint in regard to No. 55.

Govt. Concedes that strictly speaking the record of No. 54 was not called for, since there appears to have been no irregularity in its sale conducted by the Sheriff on 7th February 1894. The Asst. Commr. brought the sale in February to be closed, but there is nothing to show that it was not. The Asstt. pointed out that the words "three" was pronounced on the last bid by Petitioner, but only contains a remark not able Govt. refused to sign the statement said that he would raise the bid in the enhancing

As however the sale has been cancelled by the Dy. Commr. before confirmation and another sale held in July 1894 after due

9 (1)

the proclamation at Victoria Petitioner was present but did not appear to plead for the land, but stated he considered it necessary to plead for the land, & that he had paid the bid if he wanted to get the land. He did not do so. The appeal is therefore dismissed

The sale of land No. 53 - a - front - a proclamation was irregular, but nothing need be done about it as there is no appeal. The Coroner should see that such irregularity do not occur.

By order

2/3/95

Registrar.
(Commissioner).

No. 1462 dt 2-3-95
75-54

Copy to the Dy. Comm. Kuccan District stating Petitioners claim was dismissed with his P.C. dated 29th Dec. 1894.

2/3

Secretary

2/2

2/2

8570 Fo

P.Z. 75 of 94

Gen. Serial No. 32.]

(9)

1895

No. 2669

Name of Petitioner. Siddesonda of

Village. Bilasinda

Taluk. Hassan

District. Hassan

Date of Appl. 8-4-95

Date of Receipt. 11-4-95

Date of Disposal.

No. of Enclosures. Nil

ABSTRACT.

With reference to Endorsement No. 889 of 15-3-95 declining to intimate that Govt. decline to interfere with the order passed by the Dy. Comr. refusing the resale of the land he had bought in auction - writes that the above land was sold a third time one month after he paid the sale amount - that he had purchased materials to repair the house on the land - and that by the order of resale he was obliged to incur loss -

Prays that an enquiry for and perusing all the records in the case - the 3rd sale may be cancelled and Equitable order passed in the matter.

8/4.

Submitted to Hon Councillor

Application for review of a decision passed by the Judicial Councillor and the Chairman

In time

Stamp sufficient

11/4 22/4

Case Under report

Mr G. Chengappa

Recd

26/4/95

Senior Councillor

No. 889 29

(6)

MYSORE DEWAN'S OFFICE,

PETITION DEPARTMENT,

The 189

Endorsement granted to Circle Comia of Nelugunda, Hassan Taluk

in reply to his Petition Registered No. P.P. dated 5 Sept 1894 appealing against the Commr's order No. 296 dated 12 June 1894 interim Revision Survey No. 5 in Belur.

Petitioner is informed that Govt. decline to interfere with decision of the Asst. Commr. Petitioner was present at the final sale and he should have raised the bid if he wanted the land.

2 Record returned

L.R. 180-94-5

'By Order'

Re-Draft

Chief Secretary.

Consd. 22/7

Sd/-

M.G.C.P.B—19-2-95—1,000

Sd/- 25/2

28 (6)

P.

(10)

By. Comm.

Hassan Dl.

~~Pet. 15~~
19150 d/ 26-4/3-5/95 No.
Pet. 75-94 No. 14612

This Office No. 14612
Pet. 7 75-94
communicating copy of
Dt. Decision in A.S.
26 of 1894-95

as the honor to request that the Vernacular records turned with the above may be returned to this office for reference, at an early date.

L.R. 130-94-7

By order.

Asst. Chief Secy.
~~Secretary~~
~~Deputy Secretary~~

P/.

1/5. Rly

31/5/95

(8)

MYSORE DEWAN'S OFFICE
PETITION DEPARTMENT.
REG'D. NO.
DATE

2669.

Petitions March 1895

L.R. 130-94-8

Gen. Serial No. 31.]

1894-95

15-665
134-642

From

The Dy Commissioner
Hassan district

To

The Chief Secretary to the Government of Mysore.

Dated 15th
Despatched } May 1895.
Received

Enclosures—No. Petition.

General No. 854
No. 5 of 1894-95

His docket No: 19150
Pet/H.75-94

dated 26th Ultimo, requesting to resubmit the Vernacular papers in A.S. No: 26 of 1894-95 forwarded with the above.

As requested in the docket under reference, I have the honor to re-transmit the Vernacular papers referred to in the above.

For Dy Commissioner
Hassan district.

22626 ✓
P. 75-96 § 31-5-95 ✓
L 96.

Copy of the above is forwarded
to the Comm. of the Mesa
DC, together with the records
received with his docket
No 859 § 15 Ultimo.

BB

BB